

**U.S. District Court - District of Colorado
District of Colorado (Denver)
CRIMINAL DOCKET FOR CASE #: 1:17-cr-00251-MSK-GPG-1**

Case title: USA v. Duzyurt

Date Filed: 07/25/2017
Date Terminated: 01/29/2018

Assigned to: Chief Judge Marcia S. Krieger
Referred to: Magistrate Judge Gordon P.
Gallagher

Appeals court case number: 18-1039 USCA

Defendant (1)

Ismail Alkan Duzyurt

TERMINATED: 01/29/2018

also known as

Al Paolo Duzyurt Lucci

TERMINATED: 01/29/2018

represented by **Timothy Patrick O'Hara**
Office of the Federal Public Defender-
Denver
633 Seventeenth Street
Suite 1000
Denver, CO 80202
303-294-7002
Fax: 303-294-1192
Email: timothy_ohara@fd.org
ATTORNEY TO BE NOTICED
*Designation: Public Defender or
Community Defender Appointment*

Pending Counts

8 U.S.C. § 1326(a); (b)(2)-ILLEGAL RE-
ENTRY OF REMOVED ALIEN
SUBSEQUENT TO AN AGGRAVATED
FELONY CONVICTION

(1)

Disposition

Defendant is sentenced to a term of
imprisonment of twenty (20) months, to run
consecutively to the sentence imposed in
Eagle County District Court, Case No.
2016CR308, three (3) years supervised
release, no fine and a special assessment of
\$100.00.

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

DispositionPlaintiff

USA

represented by **Peter Grattan Hautzinger**
 U.S. Attorney's Office-Grand Junction
 205 North 4th Street
 Suite 400
 Grand Junction, CO 81501
 970-241-3843
 Fax: 970-248-3630
 Email: peter.hautzinger@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Agency Attorney

| Date Filed | # | Docket Text |
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| 07/25/2017 | 1 | INDICTMENT as to Ismail Alkan Duzyurt (1) count(s) 1. (Attachments: # 1 Criminal Information Sheet) (jgonz,) (Entered: 07/25/2017) |
| 07/25/2017 | 2 | Arrest Warrant Issued in case as to Ismail Alkan Duzyurt. (jgonz,) (Entered: 07/25/2017) |
| 07/25/2017 | 3 | RESTRICTED DOCUMENT - Level 4: as to Ismail Alkan Duzyurt. (nmarb,) (Entered: 08/01/2017) |
| 08/16/2017 | 4 | MOTION for Writ of Habeas Corpus ad Prosequendum by USA as to Ismail Alkan Duzyurt. (jgonz,) (Entered: 08/17/2017) |
| 08/16/2017 | 5 | ORDER for Writ of Habeas Corpus ad Prosequendum as to Ismail Alkan Duzyurt (1) by Magistrate Judge Gordon P. Gallagher on 8/16/2017. (jgonz,) (Entered: 08/17/2017) |
| 08/17/2017 | 6 | Writ of Habeas Corpus ad Prosequendum Issued as to Ismail Alkan Duzyurt (jgonz,) (Entered: 08/17/2017) |
| 08/22/2017 | 7 | Arrest Warrant Returned Executed on 8/21/2017 in case as to Ismail Alkan Duzyurt. (tsher,) (Entered: 08/22/2017) |
| 08/22/2017 | 8 | Arrest of Ismail Alkan Duzyurt. Initial Appearance set for 8/22/2017 03:45 PM in Room 323 (Grand Junction) before Magistrate Judge Gordon P. Gallagher. (Text Only entry) (jgonz,) (Entered: 08/25/2017) |
| 08/22/2017 | 9 | MINUTE ENTRY for proceedings held before Magistrate Judge Gordon P. Gallagher: Initial Appearance as to Ismail Alkan Duzyurt held on 8/22/2017. The Court found and ordered that this is a Western Slope Protocol case. Detention Hearing set for 8/28/2017 04:45 PM in Room 323 (Grand Junction) before Magistrate Judge Gordon P. Gallagher. Defendant was remanded to the custody of the US Marshals. FTR: Grand Jucntion-PM. (jgonz,) (Entered: 08/25/2017) |
| 08/22/2017 | 10 | CJA 23 Financial Affidavit by Ismail Alkan Duzyurt. (jgonz,) (Entered: 08/25/2017) |
| 08/22/2017 | 11 | ORDER APPOINTING COUNSEL as to Ismail Alkan Duzyurt by Magistrate Judge Gordon P. Gallagher on 8/22/2017. Text Only Entry (jgonz,) (Entered: 08/25/2017) |
| 08/22/2017 | 12 | CASE REASSIGNED as to Ismail Alkan Duzyurt pursuant to Grand Junction Protocol. |

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| | | This case is reassigned to Judge Chief Judge Marcia S. Krieger in the presider role and Magistrate Judge Gordon P. Gallagher in the referral role. All future pleadings should be designated as 17-cr-00251-MSK-GPG. (Text Only Entry) (jgonz,) (Entered: 08/25/2017) |
| 08/25/2017 | 13 | NOTICE OF ATTORNEY APPEARANCE: Timothy Patrick O'Hara appearing for Ismail Alkan Duzyurt Attorney Timothy Patrick O'Hara added to party Ismail Alkan Duzyurt(pty:dft) (O'Hara, Timothy) (Entered: 08/25/2017) |
| 08/28/2017 | 14 | MINUTE ENTRY for proceedings held before Magistrate Judge Gordon P. Gallagher: Detention, Arraignment, and Discovery Hearing as to Ismail Alkan Duzyurt held on 8/28/2017. Plea of NOT GUILTY entered by defendant as to Count 1 of the Indictment. Discovery Memorandum submitted to the Court and Order entered to the Discovery Memorandum approving it. Court entered an Order for an ends of justice continuance for 9/25/2017 to 11/6/2017 for Speedy Trial calculations. Jury Trial set for 11/6/2017 09:00 AM in Room 323 (Grand Junction) before Chief Judge Marcia S. Krieger. Pretrial Conference set for 11/2/2017 03:30 PM in Courtroom A 901 before Chief Judge Marcia S. Krieger. Defendant remanded. Hearing concluded. FTR: Grand Junction - PM. (tsher,) (Entered: 08/29/2017) |
| 08/28/2017 | 16 | ORDER re Speedy Trial as to Ismail Alkan Duzyurt by Magistrate Judge Gordon P. Gallagher on 8/28/2017. (See Entry 14) (tsher,) (Entered: 08/30/2017) |
| 08/28/2017 | 17 | Discovery Conference Memorandum and ORDER: Estimated Trial Time - Less than 5 days as to Ismail Alkan Duzyurt, by Magistrate Judge Gordon P. Gallagher on 8/28/2017. (tsher,) (Entered: 09/14/2017) |
| 08/29/2017 | 15 | ORDER OF DETENTION as to Ismail Alkan Duzyurt by Magistrate Judge Gordon P. Gallagher on 8/30/2017. (tsher,) (Entered: 08/30/2017) |
| 09/21/2017 | 18 | NOTICE of Disposition by Ismail Alkan Duzyurt (O'Hara, Timothy) (Entered: 09/21/2017) |
| 09/21/2017 | 20 | CONSENT of Defendant pursuant to Grand Junction Protocol by Ismail Alkan Duzyurt (jgonz,) (Entered: 09/26/2017) |
| 09/25/2017 | 19 | ORDER VACATING TRIAL PREPARATION CONFERENCE AND JURY TRIAL: Pursuant to the filing of the Defendants 18 Notice of Disposition, the Trial Preparation Conference set for November 2, 2017 and the Jury Trial Set to commence on November 6, 2017 are VACATED . Counsel shall have up to and including October 10, 2017 in which to file a consent to have Magistrate Judge Gallagher preside over the Change of Plea hearing or otherwise contact Patricia Glover at 303-335-2185 to set the Change of Plea and Sentencing hearings. by Chief Judge Marcia S. Krieger on 9/25/17. Text Only Entry (pglov) Modified on 9/25/2017 to conform to Grand Junction protocol. (pglov,). (Entered: 09/25/2017) |
| 09/26/2017 | 21 | ORDER as to Ismail Alkan Duzyurt Change of Plea Hearing set for 10/23/2017 11:00 AM in Room 323 (Grand Junction) before Magistrate Judge Gordon P. Gallagher. by Magistrate Judge Gordon P. Gallagher on September 26, 2017. Text Only Entry (gpgsec) (Entered: 09/26/2017) |
| 10/23/2017 | 23 | MINUTE ENTRY for proceedings held before Magistrate Judge Gordon P. Gallagher: Change of Plea Hearing as to Ismail Alkan Duzyurt held on 10/23/2017. Plea entered by Ismail Alkan Duzyurt (1) Guilty Count 1. The Plea Agreement (Exhibit 1) and the Statement by Defendant in Advance of Plea of Guilty to Count I of the Indictment (Exhibit 2) are received and admitted. Sentencing set for 1/2/2018 01:30 PM in Room 323 (Grand Junction) before Chief Judge Marcia S. Krieger. FTR: Grand Junction - AM. (tsher,) (Entered: 10/25/2017) |

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| 10/23/2017 | 24 | PLEA AGREEMENT as to Ismail Alkan Duzyurt (tsher,) (Entered: 10/25/2017) |
| 10/23/2017 | 25 | STATEMENT IN ADVANCE OF PLEA OF GUILTY by Defendant Ismail Alkan Duzyurt. (tsher,) (Entered: 10/25/2017) |
| 10/26/2017 | 26 | ORDER Concerning Presentence Investigation & Report as to Ismail Alkan Duzyurt. The Defendant has entered a plea of guilty pursuant to a plea agreement entered into with the United States of America. This agreement includes a stipulation of facts setting forth the circumstances of the commission of the offense and the circumstances affecting the Defendants behavior. Upon consideration of that stipulation, this Court finds and concludes that the factual stipulation is sufficient for inclusion in the presentence report to satisfy the requirements of Rule 32(c) of the Federal Rules of Criminal Procedure. It is inappropriate to conduct an independent investigation into the offense behavior because it would be inconsistent with the parties plea agreement and could adversely affect the rights of the parties. Accordingly, it is ORDERED that in making the pre-sentence investigation and report in this case, the probation service will include the stipulation of facts as the statement of the nature and circumstances of the offense and offense conduct and shall not conduct an independent factual investigation of same. Such statements shall be considered by this Court in making its determination under 18 U.S.C. § 3553(a)(1) with respect to the nature and circumstances of the offense. by Chief Judge Marcia S. Krieger on 10/26/17. Text Only Entry (pglov) (Entered: 10/26/2017) |
| 11/28/2017 | 27 | RESTRICTED PRESENTENCE REPORT first disclosure for attorney review as to Ismail Alkan Duzyurt (aarag,) (Entered: 11/28/2017) |
| 12/12/2017 | 28 | OBJECTION/RESPONSE to Presentence Report 27 by Ismail Alkan Duzyurt (Attachments: # 1 Attachment A)(O'Hara, Timothy) (Entered: 12/12/2017) |
| 12/15/2017 | 29 | SUPPLEMENT to 24 Plea Agreement by Ismail Alkan Duzyurt (Attachments: # 1 Exhibit A)(O'Hara, Timothy) (Entered: 12/15/2017) |
| 12/18/2017 | 30 | ORDER as to Ismail Alkan Duzyurt: The Court rests the time of Mr. Duzyurt's sentencing on 1/2/18. That sentencing will now take place at noon on that date in Grand Junction. By Chief Judge Marcia S. Krieger on 12/17/18. Text Only Entry (msklc2,) (Entered: 12/18/2017) |
| 12/19/2017 | 31 | SENTENCING STATEMENT by Ismail Alkan Duzyurt (Attachments: # 1 Attachment A, # 2 Attachment B)(O'Hara, Timothy) (Entered: 12/19/2017) |
| 12/19/2017 | 32 | MOTION for Departure <i>Based on Time Served in State Custody Pursuant to United States Sentencing Commission Guideline (USSG) 2L1.2 - Application Note Eight</i> by Ismail Alkan Duzyurt. (O'Hara, Timothy) (Entered: 12/19/2017) |
| 12/19/2017 | 33 | MOTION for Departure <i>Pursuant to United States Sentencing Commission (USSC) Guideline 4A1.3(b) for Over-Representation of Criminal History</i> by Ismail Alkan Duzyurt. (O'Hara, Timothy) (Entered: 12/19/2017) |
| 12/20/2017 | 34 | RESTRICTED PRESENTENCE REPORT as to Ismail Alkan Duzyurt (Attachments: # 1 Exhibit A)(aarag,) (Entered: 12/20/2017) |
| 12/20/2017 | 35 | RESTRICTED ADDENDUM to Presentence Report 34 as to Ismail Alkan Duzyurt (Attachments: # 1 Exhibit A, # 2 Exhibit B)(aarag,) (Entered: 12/20/2017) |
| 12/28/2017 | 36 | MOTION for Departure <i>for a Three-Level Downward Departure</i> by USA as to Ismail Alkan Duzyurt. (Hautzinger, Peter) (Entered: 12/28/2017) |
| 01/02/2018 | 37 | MINUTE ENTRY for Sentencing as to defendant Ismail Alkan Duzyurt held before Chief Judge Marcia S. Krieger on 1/2/2018. Defendant present in custody. 36 Motion for |

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| | | Departure is GRANTED. Sentencing continued. Defendant remanded. Court Reporter: Terri Lindblom. (pglov) (Entered: 01/02/2018) |
| 01/04/2018 | 38 | ORDER as to Ismail Alkan Duzyurt: Continued sentencing hearing set for 1/9/2018 at 04:00 PM before Chief Judge Marcia S. Krieger at the Grand Junction courthouse. By Chief Judge Marcia S. Krieger on 1/4/18. Text Only Entry (msklc2,) (Entered: 01/04/2018) |
| 01/05/2018 | 39 | ORDER as to Ismail Alkan Duzyurt: Due to a scheduling conflict with the ongoing trial, the continued sentencing in this action is reset to 1/11/2018 at 01:00 PM in Room 323 (Grand Junction) before Chief Judge Marcia S. Krieger. Text Only Entry (msklc2,) (Entered: 01/05/2018) |
| 01/11/2018 | 40 | MINUTE ENTRY for Sentencing as to defendant Ismail Alkan Duzyurt held before Chief Judge Marcia S. Krieger on 1/11/2018. Defendant present in custody. denying 32 Motion for Departure; denying 33 Motion for Departure. Defendant sentenced as reflected on the record. Defendant remanded. Court Reporter: Terri Lindlbom. (pglov) (Entered: 01/11/2018) |
| 01/26/2018 | 41 | NOTICE OF APPEAL by Ismail Alkan Duzyurt. (O'Hara, Timothy) (Entered: 01/26/2018) |
| 01/29/2018 | 42 | JUDGMENT as to defendant Ismail Alkan Duzyurt, Defendant is sentenced on Count 1 of the Indictment to a term of imprisonment of twenty (20) months, to run consecutively to the sentence imposed in Eagle County District Court, Case No. 2016CR308, three (3) years supervised release, no fine and a special assessment of \$100.00. by Chief Judge Marcia S. Krieger on 1/29/18. (Attachments: # 1 Sentencing Transcript) (pglov,) (Entered: 01/29/2018) |
| 01/29/2018 | 43 | STATEMENT OF REASONS as to Ismail Alkan Duzyurt. (Attachments: # 1 Sentencing Transcript)(pglov) (Entered: 01/29/2018) |
| 01/29/2018 | 44 | LETTER Transmitting Notice of Appeal to all counsel advising of the transmittal of the 41 Notice of Appeal as to Ismail Alkan Duzyurt to the U.S. Court of Appeals. (FPD,) (Attachments: # 1 Preliminary Record)(dkals,) (Entered: 01/29/2018) |
| 01/30/2018 | 45 | USCA Case Number 18-1039 for 41 Notice of Appeal filed by Ismail Alkan Duzyurt. (dkals,) (Entered: 01/30/2018) |
| 02/13/2018 | 46 | TRANSCRIPT ORDER FORM re 41 Notice of Appeal by Ismail Alkan Duzyurt. (Attachments: # 1 Attachment)(Pincus, Howard) (Entered: 02/13/2018) |
| 02/13/2018 | 47 | TRANSCRIPT ORDER FORM re 41 Notice of Appeal by Ismail Alkan Duzyurt. (Attachments: # 1 Attachment)(Pincus, Howard) (Entered: 02/13/2018) |
| 02/13/2018 | 48 | TRANSCRIPT of Sentencing as to Ismail Alkan Duzyurt held on 1/2/2018 before Chief Judge Krieger. Pages: 1-36. NOTICE - REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at www.cod.uscourts.gov. Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. (tlind,) (Entered: 02/13/2018) |
| 02/13/2018 | 49 | TRANSCRIPT of Continued Sentencing as to Ismail Alkan Duzyurt held on 1/11/2018 before Chief Judge Krieger. Pages: 37-88. NOTICE - REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact |

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| | | <p>personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at www.cod.uscourts.gov. Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. (tlind,) (Entered: 02/13/2018)</p> |
| 02/13/2018 | 50 | DESIGNATION OF RECORD ON APPEAL re 41 Notice of Appeal by Ismail Alkan Duzyurt. (Attachments: # 1 Attachment)(Pincus, Howard) (Entered: 02/13/2018) |
| 02/16/2018 | 51 | REPORTER TRANSCRIPT ORDER FORM filed by Agren Blando Court Reporting re 41 Notice of Appeal. Transcript due by 3/16/2018. (nrich) (Entered: 02/16/2018) |
| 02/27/2018 | 52 | REPORTER TRANSCRIPT ORDER FORM filed by Terri Lindblom. Transcript already on file. (nrich) (Entered: 02/27/2018) |
| 03/14/2018 | 53 | <p>TRANSCRIPT of TRANSCRIPT OF PROCEEDINGS as to Ismail Alkan Duzyurt held on 10-23-2017 before Magistrate Judge Gallagher. Pages: 1-36. Prepared by: AB Court Reporting & Video, Inc..</p> <p>NOTICE - REDACTION OF TRANSCRIPTS: Within seven calendar days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the party's intent to redact personal identifiers from the electronic transcript of the court proceeding. If a Notice of Intent to Redact is not filed within the allotted time, this transcript will be made electronically available after 90 days. Please see the Notice of Electronic Availability of Transcripts document at www.cod.uscourts.gov.</p> <p>Transcript may only be viewed at the court public terminal or purchased through the Court Reporter/Transcriber prior to the 90 day deadline for electronic posting on PACER. (AB Court Reporting & Video, Inc.,) (Entered: 03/14/2018)</p> |
| 04/10/2018 | 54 | TRANSMITTAL OF RECORD ON APPEAL to the U.S. Court of Appeals for the Tenth Circuit as to 41 Notice of Appeal filed by Ismail Alkan Duzyurt. Volume I - Electronic Documents, Volume II - Sealed Documents, Volume III - Restricted Transcripts (USCA Case No. 18-1039). Text Only Entry (dkals,) (Entered: 04/10/2018) |
| 02/28/2019 | 55 | USCA Order and Judgment as to Ismail Alkan Duzyurt re 41 Notice of Appeal: affirmed. (USCA Case No. 18-1039) (This document is not the Mandate) (dkals,) (Entered: 02/28/2019) |
| 04/01/2019 | 56 | MANDATE of USCA as to Ismail Alkan Duzyurt re 41 Notice of Appeal. (USCA Case No. 18-1039) (dkals,) (Entered: 04/01/2019) |

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